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November 21, 2013

The Honorable Jocelyn Boyd
Chief Clerk of the Commission
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, South Carolina 29211

Re: In the Matter of Neustar, Inc., on Behalf of the South Carolina
Telecommunications Industry, for Approval of NPA Relief Plan for the 843 NPA
Docket No. 2013-207-C

Dear Ms. Boyd:

Enclosed for filing is a Motion to Cancel Hearing and Grant Relief on the Basis of
Verified Pre-Filed Testimony in the above-referenced matter.

By copy of this letter, I am serving all parties of record with a copy of this pleading as
indicated on the attached Certificate of Service.

Sincerely,

A handwritten signature in black ink that reads "Patrick W. Turner". The signature is written in a cursive, flowing style.

Patrick W. Turner

PWT/nml
enclosure
cc: All Parties of Record
1094989

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

In the Matter of the Petition of)	
Neustar, Inc., on Behalf of the South Carolina)	Docket No. 2013-207-C
Telecommunications Industry, For Approval of)	
NPA Relief Plan for the 843 NPA)	

MOTION TO CANCEL HEARING AND GRANT RELIEF
ON THE BASIS OF VERIFIED PRE-FILED TESTIMONY

Movants¹ respectfully request that the Commission cancel the hearing scheduled for December 3, 2013 (thereby saving the parties the expense associated with traveling to and participating in a live hearing)² and issue an Order on the basis of the verified pre-filed testimony. Without objection from NANPA,³ the remaining Movants further request that the Commission enter an Order: (a) approving the area code overlay supported by all parties to this proceeding; and (b) requiring those telephone utilities directly impacted by the overlay to file a status report on their consumer education plans within 60 days of the issuance of the

¹ Movants are: Neustar Inc. in its role as the North American Numbering Plan Administrator (“NANPA”); BellSouth Telecommunications, LLC d/b/a AT&T South Carolina (“AT&T South Carolina”); the South Carolina Telephone Coalition, on behalf of its individual member companies and their affiliates (“SCTC”); United Telephone Company of the Carolinas d/b/a Century Link (“Century Link”); Windstream South Carolina, LLC (“Windstream South Carolina”); and Sprint Communications Company, L.P. (“Sprint”).

² The witness and the primary attorney for the Petitioner, for instance, would be required to travel from the Northern Virginia / Washington D.C. area to attend a live hearing.

³ As a neutral third-party administrator, NANPA does not advocate any particular form of relief, but as noted above, NANPA does not object to the relief requested by the remaining Movants.

Commission's Order. Movants have consulted with the Office of Regulatory Staff ("ORS") and understand that ORS will present its position on this Motion in a separate filing.

BACKGROUND AND SUPPORT FOR MOTION

On May 30, 2013, Neustar, Inc., in its role as the North American Numbering Plan Administrator ("NANPA"), filed a Petition informing the Commission that absent numbering plan area ("NPA") relief, the supply of central office codes for the 843 NPA will exhaust during the fourth quarter of 2015. *Petition* at 1-2. NANPA, therefore, asked the Commission to approve the Industry's consensus recommendation of an all services distributed overlay of the 843 NPA. *Id.* The Office of Regulatory Staff ("ORS") filed a notice of appearance of counsel,⁴ and the following parties timely filed Petitions to Intervene: AT&T South Carolina, the SCTC, CentruyLink, Windstream South Carolina, and Sprint.

On September 10, 2013, the Commission issued a Notice of Hearing and Prefile Testimony Deadlines ("Deadlines"). In compliance with these Deadlines, NANPA submitted the verified testimony of its witness, Thomas C. Foley, on October 22, 2013. Mr. Foley testified that "the industry reached consensus to recommend to the Commission Alternative #1, the all services distributed overlay, as the preferred means of relief for the 843 NPA" and that the industry recommends "a 13 month schedule for implementing the all-services distributed overlay." *See* Foley Direct at 6-7. On November 5, 2013, the ORS submitted the direct testimony of its witness, James M. McDaniel.⁵ Mr. McDaniel testified that the ORS "recommends that the Commission approve Alternative 1, the area code overlay alternative" and

⁴ The ORS is a party of record in all filings, applications, and proceedings before the Commission. *See* S.C. Code Ann. §58-4-10.

⁵ Movants understand that ORS will file Mr. McDaniel's affidavit verifying his pre-filed direct testimony.

that the Commission “require those telephone utilities directly impacted by the overlay to file a status report on their consumer education plans within 60 days of the issuance of the Commission Order [approving the overlay].” *See* McDaniel Direct at 3-4.

Although not a party to this proceeding, Mr. Thomas Li of New Hyde Park, New York, sent the Commission a “To Whom It May Concern” letter making certain procedural recommendations and expressing his “personal preference” for an area code split instead of an area code overlay.⁶ This letter does not constitute testimony for the simple reason that Mr. Li is not a party – unlike each of the actual parties, he has not petitioned the Commission to intervene in this proceeding.⁷ Even if his letter were testimony (and it is not), the Commission would be required to treat it as Mr. Li’s individual views,⁸ and Mr. Li’s letter does nothing to establish his individual standing to participate in this proceeding – to the contrary, residents of New York will be unaffected by the outcome of this proceeding because calls between New York and South Carolina will require 10-digit dialing whether the Commission approves a split or an overlay.⁹

⁶ Mr. Li recently submitted similar letters to the Kentucky Public Service Commission and the Tennessee Regulatory Authority. *See* Attachment 1 and Attachment 2. Despite Mr. Li’s preference for a split, both agencies approved the type of overlay alternative supported by all parties of record in this proceeding. *See* Order, *In the Matter of Application of the North American Numbering Plan Administrator, on Behalf of the Kentucky Telecommunications Industry, for Relief of the 270 Numbering Plan*, Administrative Case No. 2012-00129 (Kentucky Public Service Commission December 17, 2012); Order, *In Re: Petition of the North American Numbering Plan Administrator on Behalf of the Tennessee Telecommunications Industry*, Docket No. 11-00018 (Tennessee Regulatory Authority October 23, 2013).

⁷ Even if Mr. Li were a party, his suggestion that the Commission conduct a series of night hearings would be, in essence, an untimely request that the Commission modify the Deadlines that it established and that the parties have relied on. Any such request, even if made by an actual party, should be rejected at this stage of the proceeding.

⁸ *See* 10 S.C. Code Ann. Regs. 103-805.C (“An individual or person not admitted to practice law in South Carolina may represent himself or herself, but may not represent another person.”).

⁹ Under established South Carolina law, “an ‘injury in fact’ – an invasion of a legally protected interest” – is one of the “three requirements that must be met to satisfy ‘the irreducible

Finally, to the extent that Mr. Li's suggestions are driven by a desire that the "general public" be represented in this proceeding, *see* November 7, 2013 Letter, they are misplaced – the ORS "must represent the public interest of South Carolina before the Commission" in this proceeding. *See* S.C. Code Ann. §58-4-10(B).

At best, even assuming that Mr. Li has standing to participate in this proceeding (and he does not), his letter constitutes a "protest" pursuant to the Commission's Rules:

A protest is intended to advise the Commission and all parties to a proceeding before the Commission of the fact and character of the protestant's objection to part or all of the subject matter of the proceeding. The filing of a protest does not make the protestant a party of record. The protest will be placed in a public file associated with, but not part of the formal record, and will be available for such further exploration of the substantive matters raised therein by the Office of Regulatory Staff and other parties as may be appropriate.

See 10 S.C. Code Ann. Regs. 103-827. Accordingly, Mr. Li's "protest" does not make him a party of record, and if the Commission is inclined to consider his (individual) views at all, his letter should be placed in a public file associated with this Docket but not made part of the formal record. As set forth above, the issues raised in Mr. Li's letter do not raise any "substantive matters" that have not been addressed by the verified testimony filed in this Docket. Therefore, no "further exploration" of Mr. Li's letter or its contents is necessary or appropriate.

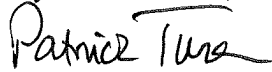
CONCLUSION

For the foregoing reasons, Movants respectfully request that the Commission cancel the hearing scheduled for December 3, 2013 and issue an Order on the basis of the verified pre-filed testimony. Without objection from NANPA, the remaining Movants further request that the

constitutional minimum of standing." *Town of Arcadia Lakes v. South Carolina Dep't of Health and Env't'l Control*, 745 S.E.2d 385, 393 (S.C. Ct. App. 2013), *quoting* *Sea Pines Ass'n for Protection of Wildlife, Inc. v. South Carolina Dep't of Natural Resources*, 550 S.E.2d 287, 291 (S.C. 2001).

Commission enter an Order: (a) approving the area code overlay supported by all parties to this proceeding; and (b) requiring those telephone utilities directly impacted by the overlay to file a status report on their consumer education plans within 60 days of the issuance of the Commission's Order.

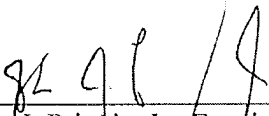
Respectfully submitted this 21st day of November, 2013.

A handwritten signature in black ink, appearing to read "Patrick W. Turner", written over a horizontal line.

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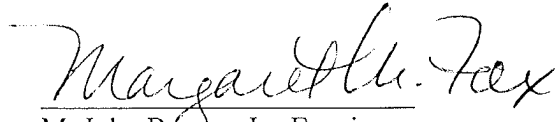
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ATTORNEY FOR WINDSTREAM SOUTH CAROLINA, LLC

A handwritten signature in cursive script that reads "Margaret M. Fox". The signature is written in black ink and is positioned above a horizontal line.

M. John Bowen, Jr., Esquire

Margaret M. Fox

McNair Law Firm, P.A.

Post Office Box 11390

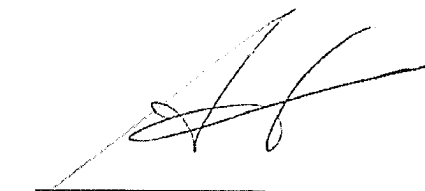
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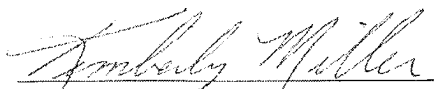
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ATTACHMENT 1

Tom Li
125 Haddon Road
New Hyde Park, NY 11040-1740

September 7, 2012

Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602-0615

RECEIVED

SEP 10 2012

Subject: Case 2012-00129 – 270 Area Code

PUBLIC SERVICE
COMMISSION

To Whom It May Concern:

My general philosophy regarding area code splits and overlays depends on the dialing habits of the residents of the area code in question.

In the case of area code 270, my assumption is that due to the relatively rural nature of most of this geographic area, most of its residents live and do business in only one area code, and are probably not accustomed to the “multiple area code lifestyle” of dialing 10 or 11 digits on a regular basis that is typical of major cities like New York or Los Angeles. As such, I would recommend a geographic split instead of an overlay, so that residents can continue to maintain the current single area code lifestyle until such time more significant growth and development occurs.

Of the two split options mentioned in the relief petition, I recommend option #2 because it is the only one meets the projected lives balance requirements of the relief planning guidelines. With this option, I recommend that the eastern portion (Area A) retain area code 270 while the western portion (Area B) change to the new area code, since Area A has a higher overall population, serves more communities of interest, and has more CO codes assigned to it than Area B does. In addition, if possible, I would also consider moving the Dunmore rate center over to Area B in order for the split line to conform closer to county lines.

To get a better idea of where the general public stands on this issue, I recommend that the PSC hold public hearings on this matter in various major communities located within the 270 area code. I also recommend monitoring the project exhaust date closely and, if it moves out significantly, delaying and/or dismissing the relief plan if necessary.

Sincerely,



Tom Li

ATTACHMENT 2

RECEIVED

2012 MAR 12 AM 7:56

TRA. DOCKET ROOM

Tom Li
125 Haddon Road
New Hyde Park, NY 11040-1740

March 11, 2012

Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Subject: Docket 11-00018 – 615 Area Code

To Whom It May Concern:

On March 9, 2012, the NANPA posted on its website an updated projected exhaust date for area code 615. It noted that due to an increase in forecasted code demand, the PED has now moved in from the third quarter of 2016 to the second quarter of 2015. Due to the substantial advancement of the PED, I strongly recommend the TRA not dismiss NANPA's relief petition at this time. Instead, I urge the TRA to hold public hearings on this matter in various major cities within the 615 area code (e.g. Nashville, Murfreesboro, Franklin, Hendersonville, Lebanon) while continuing to monitor the PED. If the PED moves out significantly in the October 2012 NRUF, the TRA can consider dismissing the relief petition then; if not, the TRA should move forward with relief planning.

Sincerely,

Tom Li

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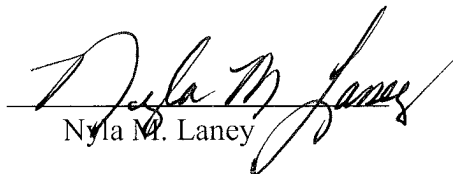
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